

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Arthur Dale Burns

Serial No.: 09/603,510

Filed: 06/26/2000

For: STUDENT LOAN CONSOLIDATION
QUALIFICATION SYSTEM AND
METHOD OF OPERATION THEREOF

Group Art Unit: 1762

Examiner: Bashore, Alain L.

Atty. Dkt. No.: UHGC:1104US

Conf. No.: 2809

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: January 26, 2009

**COMMUNICATION REGARDING LARGE ENTITY STATUS
AND PAYMENT OF DEFICIENCY FEES PURSUANT TO 37 CFR § 1.28(c)(2)(i)**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby notifies the Office that the above-identified application is not entitled to small entity status. Responsibility for prosecuting this application has been recently transferred to the undersigned representative and in reviewing the file history of this application, it was noted that small entity status was inadvertently claimed and small entity fees incorrectly paid as set forth below.

This application was filed on June 26, 2000, and large entity filing fees were correctly paid by virtue of an assignment from the inventor, Arthur Dale Burns, to Student Resources, a Division of The Mega Life and Health Insurance Company ("Student Resources"), a large entity,

recorded concurrently with the filing of the application. On or about December 1, 2006, Student Resources was acquired by UnitedHealth Group Incorporated (“UnitedHealth”), the current assignee of this application. UnitedHealth is also a large entity. Thus, this application has at all times since the filing date been a large entity, and any assertions of small entity status made by Applicant’s former representative were inadvertently made in error and without deceptive intent.

In reviewing the file, it was noted that large entity fees were consistently paid from the date of filing the application until Applicant’s former representative filed a Notice of Appeal on behalf of Applicant on October 4, 2004, and indicated that Applicant claimed small entity status by checking the small entity status box and paying a small entity Notice of Appeal fee. This small entity assertion was inadvertently made in error and without deceptive intent. Applicant’s former representative then filed an Appeal Brief on December 3, 2004, and paid a large entity filing fee. On September 4, 2007, Applicant’s former representative filed form PTOL-85, indicating by checking box 5.a. that Applicant was claiming small entity status and paid a small entity issue fee of \$700.00. This small entity assertion was inadvertently made in error and without deceptive intent. This application is the subject of a concurrently filed Petition for Revival under 37 C.F.R. § 1.137(b).

In view of the above and pursuant to 37 C.F.R. § 1.28(c)(2)(i), Applicant submits herewith the following deficiency fees, which Applicant believes is the total amount of deficiency owed for the fees itemized below erroneously paid as a small entity:

Type of Fee	Date Submitted	Amount Paid/ Time of Filing (small entity)	Amount Due/ Current Date (large entity)	Amount of Deficiency Submitted Herewith
Notice of Appeal	10/04/04	\$170.00	\$540.00	\$370.00
One-month extension	10/04/04	\$ 55.00	\$130.00	\$ 75.00
Issue Fee	09/04/07	\$700.00	\$1510.00	\$810.00
TOTALS		\$925.00	\$2180.00	\$1255.00

The Commissioner is authorized to deduct the deficiency fees in the amount of \$1,255.00, or any additional fees required under 37 C.F.R. §§ 1.16 to 1.21 for any reason relating to the filing of this paper, from Fulbright & Jaworski Deposit Account No. 50-1212/UHGC:1104US.

Applicant's representative respectfully submits that the requirements of 37 CFR § 1.28 have been met and requests designation of this case as a non-small entity and acceptance of the fees submitted herewith.

Respectfully submitted,



S. Scott Gordon
Reg. No. 57,294
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.3085 (voice)
512.536.4598 (fax)

Date: January 26, 2009